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9200/2663

Docket No.: 32014-141676
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Usuba et al.

Application No.: 09/254,864

Filed: March 15, 1999

For: LINE CONCENTRATOR FOR TELEPHONE
SET AND COMMUNICATION

Confirmation No.:

Art Unit:

Examiner: Not Yet Assigned

RECEIVED

OCT 22 2004

Technology Center 2600

REQUEST ON RECONSIDERATION OF THE DECISION ON PETITION TO WITHDRAW
HOLDING OF ABANDONMENT

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request reconsideration of the decision on the petition to withdraw holding of abandonment of August 19, 2004. The decision states that it is not clear from the petition if the statement regarding the search of the file jacket and docket records was a statement from the practitioner or the Applicant. Attached is a revised petition including the statement from the practitioner that a personal search of the file jacket and docketing records was performed and the results of the search indicate that the office communication was not received.

In view of this revised petition, the granting of the revised petition is respectfully requested.

Application No.: 09/254,864

Docket No.: 32014-141676

Also attached is an Associate Power of Attorney granting the undersigned power as an associate attorney in this application.

Dated: 10/19/04

Respectfully submitted,

By 
Jeffri A. Kaminski

Registration No.: 42,709

Robert J. Frank

VENABLE LLP

P.O. Box 34385

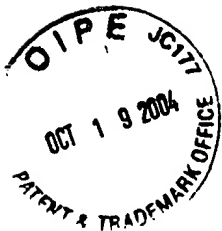
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Attorney/Agent For Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of

Applicant : Shinji USUBA et al.

Appln. No.: 09/254,864

Attorney Dkt. No. 32014-141676

Filed : March 15, 1999

For : CONCENTRATOR FOR SPEECH TELEPHONES
AND METHOD OF COMMUNICATION OVER
LAN USING SAME

Date : October 19, 2004

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**REVISED PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICIAL ACTION**

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with MPEP 711.03, *Delgar Inc. v. Schuyler*, 172 USPQ 513 (D.D.C. 1971) and 1156 O.G. 53, Nov. 16, 1993, Applicants respectfully request that the holding of abandonment be withdrawn as Applicants' undersigned attorney of record did not receive the Notice of Allowance of November 18, 2003.

On March 15, 1999, the above application was filed in the U.S. Patent and Trademark Office.

A first Office Action was received in this case on June 20, 2002. In response to the first Office Action, a timely reply with the appropriate fee for a three-month extension of time was filed on December 18, 2002. A second non-final Office Action was then issued on March 13, 2003. A response to the second Office Action along with an Information Disclosure Statement was filed on August 27, 2003 with a three-month

Petition to Withdraw Holding of Abandonment
U.S. Application No. 09/254,864

extension of time along with the appropriate extension fee. Applicants then filed a Status Request on March 1, 2004 inquiring into the status of this application.

The next communication received from the U.S. Patent and Trademark Office was a Notice of Abandonment dated April 1, 2004 for failure to respond to the Official Notice of Allowance. However, a search of the file jacket and docket records performed by the undersigned indicates that no Notice of Allowance has been received by the Office of the undersigned.

For the Commissioner's consideration, the docketing procedures of Venable LLP are outlined hereinafter:

A computer log book, is maintained by the docketing department of Venable LLP. When mail from the U.S.P.T.O. is received, it is date stamped then the docketing department enters the Venable Docket Number, the Serial No., Inventor's Name and brief description of what is due and the mail date in the log book.

A separate computer database of applications is also maintained and is updated with the same information.

Each of these steps is designed to ensure that dates are properly docketed, and that deadlines are not missed.

As evidence of non-receipt of the Notice of Allowance dated November 18, 2003, attached hereto in an envelope is a true copy of the pages of the log book covering November 17 through December 17, 2004, the period of time one month from the mail date of the Official Action.

Petition to Withdraw Holding of Abandonment
U.S. Application No. 09/254,864

In view of the possible confidential nature of certain of the entries on the log book pages, it is requested that these be kept separate and apart from the file. The undersigned verifies that the attached is a true copy of pages of the log book maintained by the firm. In addition, also attached hereto is a true copy of a computer printout of the docketed dates for the above application.

Inasmuch as it is clear from the above that a search of the file jacket and docketing records performed by the undersigned indicates that the Official Action has not been received by the undersigned, and, as provided for in *Delgar v. Schuyler*, 172 USPQ 513 and MPEP 711.03 and MPEP 711.02, Applicants respectfully request that the holding of abandonment be withdrawn and that a new Official Action be issued in this case.

The undersigned hereby declares that all statements made herein of the undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

As the non-receipt of the Notice of Allowance dated November 18, 2003 was due to no fault of the Applicants nor the undersigned, no fee is being submitted under 37 C.F.R. 1.137.

Petition to Withdraw Holding of Abandonment
U.S. Application No. 09/254,864

However, the Commissioner is hereby authorized to charge any fee deficiency, or
credit any overpayment to Deposit Account No. 22-0261

Respectfully submitted,

(d-19/04



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